

DOC. # 5351
ADOPTED 10/25/90

Text Amendment Application No.
Boston Redevelopment Authority
Flood Hazard Districts

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority petitions to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956 as amended, as follows:

1. By deleting, in the title of Section 6A-1, after the words "B-6-90a, B-6-90b, and B-8-120c Districts;" the word "and" and after the words "B-8-120c District, the period (.).
2. By inserting, at the end of said title of Section 6A-1, the following words:

, and to the requirmeent of Section 25-5.8 in a V zone Flood Hazard District.
3. By inserting, at the end of subsection (b) of Section 6A-3, between the words "subject to design review;" and the word "and", the following words:

or if the exception relates to the requirement of Section 25-8 concerning the location of a structure in a high hazard coastal (V zone) district, the project has received a letter of Map Revision from the Federal Emergency Management Agency;
4. By deleting, in the first paragraph of Section 25-3, the date "April 1, 1982" and by inserting in place thereof the following date:

November 2, 1990.
5. By deleting, in the second paragraph of Section 25-3, the date "April 1, 1982" and by inserting in place thereof the following date:

November 2, 1990.
6. By deleting, in the third paragraph of Section 25-3, the date "October 1, 1981" and by inserting in place thereof the following date:

December 5, 1989.
7. By deleting, in the last paragraph of Section 25-5, the title "Exception" and by inserting in place thereof the following title:

Historic Structures.

8. By inserting, after said last paragraph of Section 25-5, the following new section:

SECTION 25-5A. Exceptions. Subject to the provisions of Article 6A, the Board of Appeal may, in a specific case and after public notice and hearing, grant an exception to the requirement in Section 25-5.8, provided that the project for fill, new construction, substantial improvement, or other development has received a Letter of Map Revision from the Federal Emergency Management Agency.

Petitioner: Boston Redevelopment Authority

By: Stephen Coyle, Director

Address: Boston City Hall, 9th Floor
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Telephone: 722-4300, ext. 4329 or 4330

Date: _____

MEMORANDUM

OCTOBER 25, 1990

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: LINDA BOURQUE, ASSISTANT DIRECTOR FOR
NEIGHBORHOOD PLANNING & ZONING
GARY BROWN, SENIOR PLANNER

SUBJECT: PROPOSED MODIFICATION OF ARTICLE 25 "FLOOD HAZARD
DISTRICTS" CITY OF BOSTON

EXECUTIVE SUMMARY: This memorandum requests that the Director be authorized to petition the Zoning Commission to amend Article 25 of the Boston Zoning Code - Flood Hazard Districts - bringing that article into conformance with revisions required by the Federal Emergency Management Agency to insure the City's ongoing participation in the National Flood Insurance Program.

Since 1968 the National Flood Insurance Program (NFIP) has provided federally backed flood insurance to encourage communities to enact and enforce flood plain regulations. In order to be covered by a flood insurance policy or to receive any direct Federal financial assistance such as a Federally insured or guaranteed mortgage loan or a disaster loan to all in a flood hazard district, a property must be in a community that participates in the NFIP. To qualify, a community adopts and enforces a flood plain management ordinance to regulate proposed development in flood hazard areas. The City of Boston has met this requirement through the adoption of Article 25 "Flood Hazard Districts" within its Zoning Code. This Article was first adopted on March 24, 1977, and amended on March 26, 1982.

The flood hazard districts, also called special flood hazard areas, are defined as lands in a flood plain that are subject to a one percent (1%) probability of flooding in any given year. Such flooding is known as the base or 100-year flood. These districts are shown as "A" zones on a series of map panels prepared by the Federal Emergency Management Agency (FEMA) entitled "FIRM/Flood Insurance Rate Map(s)". The maps also identify V zones, which are certain coastal areas subject to additional hazard because of water velocity and wave action. "A" zones and "V" zones together constitute the flood hazard districts subject to Article 25.

Until December 1989, the City of Boston FIRM maps did not include any "V" zones in the Inner Harbor. However in 1989, FEMA reevaluated the flood hazard conditions in Boston Harbor, and submitted revised FIRM maps to the City for review. The revised maps raise the elevations of certain "A" zones and "V" zones along the Boston Waterfront and proposed new V zones in the Inner Harbor. The BRA then issued a contract to Childs Engineering to review the proposed map changes. Childs Engineering, through on-

site analysis, recommended several changes to the maps consisting primarily of more clear delineation of the fill versus flowed tidelands area. FEMA subsequently accepted these corrections, and has submitted the corrected revised maps to the City for adoption by November 2, 1990.

In relation to these map revisions, Childs Engineering also analyzed the implications of the V Zone. A V Zone in Boston Harbor would require the lowest structural element of a habitable pier in Boston Harbor to be built higher above mean high tide than it would have to be under the former maps since 1977. In effect, the base of a building/top of the slab of a new pier would have to be approximately nine (9) feet or one-story higher. Such a height difference would undermine the policies of the Harborpark Plan for public access to the Waterfront, and are unnecessary from a safety and engineering point of view.

While this requirement may be appropriate for more traditionally constructed single family homes, modern heavy urban construction can itself serve as a seawall and defuse wave energy butting it. With this type of construction, the V Zone is in effect moved out to the end of the structure. In recognition of the fact that these are structural solutions to wave impacts, FEMA does issue what they refer to as a Letter of Map Revision (LOMR) which revises the location of the V Zone at a particular site.

Based on the engineering recommendations and after consultation with the City's Environment Department and Department of Inspectional Services, staff recommends that Article 25 be amended to permit an exception, in accordance with the provisions of Article 6A, to the height of the lowest structural element, provided that FEMA has issued a Letter of Map Revision. Such issuance indicates that FEMA is satisfied with the structural solution from a safety point of view.

In our analysis, staff also consulted with the FEMA Regional Chief, Natural and Technological Hazards Division, and his staff who support this recommendation.

Staff, therefore, recommends that the proposed revision to Article 25 and the adoption of the revised FIRM maps be moved to the Zoning Commission.

An Appropriate vote follows:

Voted: The Boston Redevelopment Authority hereby authorizes the Director to petition the Zoning Commission to adopt a text amendment to Article 25 "Flood Hazard Districts" City of Boston, in substantial accord with the petition submitted at its meeting on October 25, 1990, including adoption of the final revised FEMA Flood Insurance Rate Maps effective on November 2, 1990, a map amendment adopting such maps, and related technical amendments to Article 6A, "Exceptions".